

NO FEE GOVT CODE SEC. 6183
AMOUNT COVERABLE PURSUANT
TO 6103.5 GC \$ 395
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGEMENT
IF THE PARTY BECOMES A JUDGEMENT CREDITOR
[Exempt from fees pursuant
to Government Code Section
6103]

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*Attorneys for Plaintiff
The People of the State of California*

FILED
LOS ANGELES SUPERIOR COURT

APR 06 2011

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

BC 458943

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

SA RECYCLING, LLC a
Delaware Limited Liability Corporation
and SIMSMETAL WEST, LLC, a
Delaware Limited Liability
Corporation,

Defendants.

CASE NO.

**COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL PENALTIES AND
OTHER EQUITABLE RELIEF**

(Health & Saf. Code, Div. 20, Chapter 6.5;
Div. 26 (§ 39000 *et seq.*); Veh. Code, Div.
14.1; Bus. & Prof. Code, § 17200, *et seq.*)

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, based on information
and belief, allege as follows:

PLAINTIFF

1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA ("Plaintiff"), brings this
action by and through Steve Cooley, District Attorney for the County of Los Angeles, and
Daniel Wright, Deputy District Attorney.

2. Pursuant to Health and Safety Code sections 25145.4 and 25182, the District Attorney
may bring a civil action in the name of the People of the State of California to enjoin any
violation of the California Hazardous Waste Control Law ("HWCL"), Chapter 6.5 of Division
20 of the California Health and Safety Code and to seek civil penalties for any violation of the

COMPLAINT FOR PERMANENT INJUNCTION,
CIVIL PENALTIES AND OTHER EQUITABLE RELIEF

1 HWCL.

2 3. Pursuant to Health and Safety Code sections 39674, 41513 and 42403(a), the District
3 Attorney may bring a civil action in the name of the People of the State of California to enjoin
4 any violation of the California Clean Air Act ("CCAA"), Division 26 of the Health and Safety
5 Code and to seek civil penalties for any violation of the CCAA.

6 4. Pursuant to Business and Professions Code sections 17203, 17204 and 17206, the
7 District Attorney may bring a civil action in the name of the People of the State of California
8 to enjoin any person who engages, has engaged, or proposes to engage in unfair competition,
9 as defined in Business and Professions Code section 17200, and for civil penalties for each act
10 of unfair competition.

11 5. Plaintiff brings this action without prejudice to any other actions or claims which
12 Plaintiff may have based upon separate, independent and unrelated violations arising out of
13 matters or allegations that are not set forth in this Complaint.

14 **DEFENDANTS**

15 6. Defendant SA Recycling, LLC ("SA Recycling") is a limited liability corporation
16 organized and existing under the Laws of the State of Delaware with offices at 3200 East
17 Frontera Street, Anaheim, California 92806 and doing business in the State of California.
18 Defendant Simsmetal West, LLC is a limited liability corporation organized and existing
19 under the Laws of the State of Delaware with offices at 110 Fifth Avenue, Seventh Floor,
20 New York, New York 10011, which formerly did business in the State of California.
21 Simsmetal West, LLC was formerly organized and existed under the laws of the State of
22 Delaware as Sims Hugo Neu West and Hugo Neu-Proler, a general partnership, and, between
23 February and May 2007, was formerly named Sims Hugo Neu West, LLC. Collectively,
24 Simsmetal West, LLC, the Sims Hugo Neu West and Hugo Neu-Proler partnership and Sims
25 Hugo Neu West, LLC, are herein referred to "Sims."

26 7. Whenever an allegation regarding the act of a defendant is made herein, such an
27 allegation shall be deemed to mean that defendants, or agents or employees of said
28 defendants, are alleged to have performed or authorized such acts while actively engaging in

1 the affairs of the defendant, and while acting in the course and scope of their employment or
2 agency.

3 8. Defendants, or one of them, are, or at all times relevant to the claims in this Complaint
4 were, legally responsible for compliance with the provisions of the Health and Safety Code
5 including, but not limited to, Chapter 6.5 of Division 20 and the corresponding implementing
6 regulations in connection with their respective ownership and/or operation of the subject
7 facilities.

8 9. Defendants are "persons" as defined in Health and Safety Code section 25118.

9 JURISDICTION AND VENUE

10 Venue is proper in this county pursuant to Health and Safety Code section 25183 in that the
11 majority of the violations alleged in this Complaint occurred in the County of Los Angeles.
12 This court has jurisdiction pursuant to Article 6, section 10 of the California Constitution and
13 section 393 of the Code of Civil Procedure.

14 STATUTORY AND REGULATORY BACKGROUND

15 10. In accordance with the provisions of the HWCL, the State of California has enacted a
16 comprehensive statutory and regulatory framework governing the generation, handling,
17 treatment, storage, transportation, and disposal of hazardous waste. This framework,
18 contained in Chapter 6.5 of Division 20 of the Health and Safety Code, section 25100 et seq.
19 and its implementing regulations, which are found at Title 22, California Code of Regulations,
20 section 66260.1 et seq., establishes a "cradle to grave" system for the management of
21 hazardous waste. This system is maintained to record the registration, tracking, storage,
22 treatment, and disposal of hazardous waste and provides for the protection of the public and
23 the environment from the potential risks posed by hazardous waste.

24 11. In accordance with the provisions of the CCAA, the State of California has enacted a
25 comprehensive statutory and regulatory framework to attain and maintain air quality
26 standards. This framework is contained in the Division 26 of the Health and Safety Code,
27 section 39000 et seq and implementing regulations, which are found at Title 17, Division 3 of
28 the California Code of Regulations.

ENFORCEMENT AUTHORITY UNDER THE HWCL

12. Section 25189 of the Health and Safety Code provides for civil liability for any negligent or intentional violation of the HWCL, or for any violation of any permit, rule, regulation, standard, or requirement issued or promulgated pursuant to the HWCL. Section 25189.2 of the Health and Safety Code is an alternative strict liability provision, which provides for civil liability for any violation of the HWCL, or for any violation of any permit, rule, regulation, standard, or requirement issued or promulgated pursuant to the HWCL.

13. The HWCL, specifically Health and Safety Code sections 25181 and 25184, authorizes the Court to issue an order that enjoins any ongoing or potential violation of the HWCL, or any applicable rule, regulation, permit, standard, requirement, or order issued or promulgated pursuant to the HWCL.

14. Health and Safety Code section 25184 provides that in civil actions brought pursuant to the HWCL in which an injunction or temporary restraining order is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued. Similarly, it shall not be necessary to allege or prove that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

15. Health and Safety Code section 39674 provides for civil liability for any violation of any rule or regulation, emission limitation, permit condition, or filing requirement adopted by the state air resources board or any air district or for which delegation or approval of implementation and enforcement authority has been obtained pursuant to Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412(l)(18). Health and Safety Code section 42403(a) provides that the civil penalties prescribed in Division 26 of the Health & Safety Code, Sections 39000 et seq., shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney.

16. Health and Safety Code Section 41513 authorizes the Court to issue an order that enjoins any violation of the CCAA or any order, rule, or regulation, of the California Air

1 Resources Board or of any air district. In civil actions brought to enjoin any violation of the
2 CCAA, the Plaintiff shall not be required to allege facts necessary to show, or tending to
3 show, lack of adequate remedy at law, or that show, or tend to show, irreparable damage or
4 loss.

5 GENERAL ALLEGATIONS

6 17. During all times relevant to the allegations set forth in this complaint, Defendants, or
7 one of them, were engaged in the business of collecting, recycling and processing ferrous and
8 non-ferrous metals at several locations in California including 901 New Dock Street, San
9 Pedro, California 90731 ("Terminal Island") and 3200 East Frontera Street, Anaheim,
10 California 92806 ("Anaheim") (collectively, "Covered Facilities"). At the Covered Facilities,
11 Defendants, or one of them, shred metal products, including end-of-life automobiles and
12 appliances. At each location, recyclable metal materials are fed into a scrap metal shredding
13 system referred to as a mega-shredder and the resulting aggregate is sorted to separate ferrous
14 metal, non-ferrous metal and other recyclable materials. The sorting process ultimately
15 generates auto shredder residue ("ASR"), which is a heterogeneous mixture of the material
16 remaining after all recoverable metals and other valuable commodities have been removed
17 from the aggregate. Before being shipped offsite, the ASR is treated in a process approved by
18 the California Department of Toxic Substances Control ("DTSC") to reduce solubility of any
19 remaining metals.

20 18. On several occasions, including but not limited to March 27, 2008 and April 9, 10 and
21 11, 2008, DTSC sampled SA Recycling's treated ASR at landfills authorized to receive and
22 use treated ASR as alternative daily cover. Samples were taken at landfills, including the
23 Simi Valley Landfill and the Chiquita Canyon Landfill. DTSC'S analytical results indicated
24 that certain samples of the treated ASR exceeded regulatory thresholds for lead, zinc or
25 cadmium, but that the mean concentration in each truckload of ASR did not exceed regulatory
26 thresholds for any regulated analyte.

27 19. A report titled "Deposition of coarse toxic particles in Wilmington, CA prepared for
28 the Department of Toxic Substances Control (DTSC) dated April 4, 2009," by the Delta

1 Group at the University of California, Davis concluded that coarse particulate matter was
2 emitted into the air from the SA Recycling's Terminal Island location and that a fraction of
3 the coarse particulate matter contained metals, including lead, that exceeded DTSC regulatory
4 thresholds.

5 20. At all times relevant to this Complaint, Defendants, or one of them, were responsible
6 for the operation of the Terminal Island and Anaheim locations.

7 21. On or about June 9, 2004, the South Coast Air Quality Management District
8 ("District") granted a Permit to Construct, Application 421094, to Hugo Neu-Proler Co. for
9 equipment located at Terminal Island. The Permit to Construct states that it is for a Ferrous
10 Scrap Metal Shredding and Sorting System and permit conditions prohibit the operation of the
11 equipment unless "vented only to air pollution control equipment that is in full use and has
12 been issued an operating permit by the AQMD."

13 22. On or about October 18, 2006, the District granted a Permit to Construct, Application
14 456421, to Sims Hugo Neu West, for construction of an APCS consisting of a cyclone
15 separator, a baghouse and an exhaust system at the Terminal Island location. The Permit to
16 Construct condition 2 states that "[t]his equipment shall be properly maintained and kept in
17 good operating condition at all times."

18 23. Plaintiff is informed and thereupon believes and alleges that on or about May 22,
19 2007, an explosion occurred within the Terminal Island APCS and mega-shredder that
20 rendered the APCS inoperable

21 24. Plaintiff is informed and thereupon believes and alleges that the Defendants, or one of
22 them, have engaged in the following actions and or omissions, among others, at the Terminal
23 Island location:

24 a. After the May 22, 2007 explosion, although Sims did repair portions of the
25 APCS shortly thereafter, Sims continued to operate the mega-shredder without a fully
26 functioning APCS in violation of the conditions of the District permit;

27 b. While Sims did report the May 22, 2007 explosion to the District shortly
28 thereafter and met with the District regarding the design of a new APCS, Sims did not report

1 the explosion within the time period required by District Rule 430 (breakdown provisions);

2 c. After SA Recycling acquired the Terminal Island location from Sims on
3 September 1, 2007, SA Recycling LLC met with the District to formulate a schedule for the
4 design and installation of a new APCS intended to control emissions from the Terminal Island
5 location, but continued to operate the mega-shredder without a fully functioning APCS in
6 violation of the conditions of the District permit; and

7 25. Plaintiff alleges that between October 5, 2007 and October 31, 2007, SA Recycling
8 caused recovered nonferrous metals called Sabot/Zorba/Stainless Steel to be shipped from the
9 Terminal Island location to the Anaheim location for further separation and recovery. Such
10 shipments occurred on at least 32 occasions and were not accompanied by a hazardous waste
11 manifest. At all times that shipments were being made, SA Recycling did not have
12 authorization to receive hazardous waste at the Anaheim location, and such shipments
13 constituted a violation of applicable provisions of the HWCL and Division 14.1 of the Vehicle
14 Code.

15 26. Plaintiff alleges that SA Recycling, at all times relevant hereto, caused and/or
16 performed each of the acts and/or omissions in violation of California law in the ownership
17 and/or operation of the Covered Facilities as alleged below:

18 a. Delivered, or otherwise transferred custody or possession of, hazardous waste
19 to a person or entity that was not properly licensed and registered to transport hazardous
20 waste, in violation of Health and Safety Code section 25163, subdivision (a)(1);

21 b. Transported hazardous waste without being properly licensed and registered to
22 transport hazardous waste, in violation of Health and Safety Code section 25163, subdivision
23 (a)(1) and in violation of Division 14.1 of the Vehicle Code;

24 c. Disposed, or caused the disposal of, hazardous waste at a point not authorized,
25 in violation of Health and Safety Code section 25189;

26 d. Stored hazardous waste onsite beyond the time permitted by law at a facility
27 which did not have a hazardous waste storage permit from the DTSC, in violation of Title 22,
28 California Code of Regulations, section 66262.34, and Health and Safety Code section

25123.3, subdivision (h);

e. Failed to comply with employee training obligations as set forth in Title 22, California Code of Regulations, section 66265.16, pertaining to the handling of hazardous waste, including but not limited to the requirements to maintain, for a period of three years, training documentation for each employee involved in the handling of hazardous waste;

f. Failed to determine if a generated waste was a "hazardous waste" as required by Title 22, California Code of Regulations, section 66262.11, and, where such waste was hazardous, failed to handle the hazardous waste in accordance with the requirements of the HWCL and its implementing regulations in Title 22 of the California Code of Regulations, including but not limited to section 66265.172 (compatible contents), and section 66265.177 (placing incompatible waste streams in the same container);

g. Failed to properly label containers of accumulated hazardous waste, in violation of Title 22, California Code of Regulations, section 66262.34, subdivision (f);

h. Failed to keep containers of hazardous waste closed, except when removing or adding hazardous waste, in violation of Title 22, California Code of Regulations, section 66265.173;

i. Failed to maintain and operate the subject locations so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment, in violation of Title 22, California Code of Regulations, section 66265.31;

j. Failed to maintain containers holding hazardous waste at the subject location so as to prevent leaks, in violation of Title 22, California Code of Regulations, section 66265.173;

k. Failed to conduct weekly inspections of hazardous waste storage areas at the subject location, in violation of Title 22, California Code of Regulations, section 66264.174.

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1 **FIRST CAUSE OF ACTION**

2 Violations of the Hazardous Waste Control Law; Health & Safety Code Section 25189 et seq.
3 and Implementing Regulations Against SA Recycling

4 27. Plaintiff realleges paragraphs 1 through 26, inclusive.

5 28. SA Recycling is liable for civil penalties as set forth in Health and Safety Code section
6 25189 et seq., for each and every separate violation of any provision of the HWCL and any
7 applicable permit, rule, regulation, standard, or requirement issued or promulgated pursuant
8 thereto which occurred within five years of commencing this action.

9 29. Each violation subjects SA Recycling to a separate and additional penalty for each
10 violation. Pursuant to Health and Safety Code section 25189 et seq., a separate civil penalty
11 may be imposed for each separate violation, and each penalty that may be imposed is also
12 separate and in addition to any other civil penalty imposed under section 25189 et seq., and
13 separate and in addition to any other civil penalty imposed under any other provision of law
14 except that a person may not be liable for a civil penalty under section 25189.2 and section
15 25189 for the same act or omission.

16 30. Based on the above, Plaintiff requests civil penalties against SA Recycling
17 LLC under Health and Safety Code section 25189 et seq., for each violation of the HWCL, as
18 set forth in Plaintiff's prayer for relief.

19 **SECOND CAUSE OF ACTION**

20 Violations of Vehicle Code Section 32000 et seq., and Implementing Regulations Against SA
21 Recycling

22 31. Plaintiff realleges paragraphs 1 through 26, inclusive.

23 32. SA Recycling is liable for civil penalties as set forth in Division 14.1 of the Vehicle
24 Code section 32000 et seq., for each and every separate violation.

25 33. Each violation subjects SA Recycling to a separate and additional penalty for each
26 violation in addition to any other civil penalty imposed under any other provision of law.

27 34. Based on the above, Plaintiff requests civil penalties against SA Recycling under
28 Vehicle Code section 32002, for each violation of Division 14.1 of the Vehicle Code, as set

1 forth in Plaintiff's prayer for relief.

2 **THIRD CAUSE OF ACTION**

3 Emissions of Air Contaminants in Violation of Air Resources Law; Health & Safety Code
4 Section 39000 et seq. and Implementing Rules of the South Coast Air Quality Management
5 District Against All Defendants

6 35. Plaintiff realleges paragraphs 1 through 26, inclusive.

7 36. Defendants, or one of them, are liable for civil penalties as set forth in Health and
8 Safety Code section 42400 et seq. for each and every separate violation of any provision of
9 Division 26 of the Health and Safety Code, or any applicable permit, rule, regulation,
10 standard, or requirement issued or promulgated pursuant thereto which occurred within three
11 years of commencing this action.

12 37. Each violation subjects Defendants, or one of them, to a separate and additional
13 penalty for each violation. Pursuant to Health and Safety Code section 42400 et seq., each day
14 during any portion of which a violation occurs constitutes a separate offence and a separate
15 civil penalty may be imposed for each separate violation and each penalty that may be
16 imposed is also separate and in addition to any other civil penalty imposed under any other
17 provision of law.

18 38. Based on the above, Plaintiff requests civil penalties against Defendants, or one of
19 them, under Health and Safety Code section 42400 et seq. for each violation of Division 26 of
20 the Health and Safety Code, as set forth in Plaintiff's prayer for relief.

21 **FOURTH CAUSE OF ACTION**

22 Violations of Unfair Competition Laws; Business & Professions Code Sections 17200-17208,
23 Against All Defendants

24 39. Plaintiff realleges paragraphs 1 through 26, inclusive.

25 40. Within four years of commencing this action, Defendants, or one of them, have or has
26 engaged in, and continue to engage in, unlawful acts, omissions, and practices that constitute
27 unfair competition with the meaning of Business and Professions Code sections 17200
28 through 17800, including but not limited to, the acts or omissions and practices alleged in the

1 First through Third Causes of Action, above, and unless enjoined by order of the Court,
2 Defendants, and each of them, may or will continue in the course of conduct as alleged herein.

3 41. Each and every separate act constitutes and unlawful and/or unfair business practice.
4 Each day that Defendants, or one of them, engaged in each separate and unlawful act,
5 omission or practice, is a separate and distinct violation of Business and Professions Code
6 section 17200 et seq.

7 42. Pursuant to Business and Professions Code section 17206, Defendants, or one of them,
8 are liable for civil penalties for each and every separate act of unfair competition as alleged
9 herein.

10 43. Defendants, or one of them, must be immediately and permanently enjoined, pursuant
11 to Business and Professions Code section 17203, from engaging in acts or practices that, as
12 alleged in this Complaint, violate Chapter 6.5 of Division 20 of the Health and Safety Code,
13 Division 26 of the Health and Safety Code, Division 14.1 of the Vehicle Code and the
14 implementing regulations of the sections of each respective Code, and county and local
15 ordinances pertaining to hazardous waste, which thereby constitute unfair competition within
16 the meaning of Business and Professions Code section 17200.

17 **WHEREFORE PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF**

18 1. Civil penalties against SA Recycling LLC pursuant to Health and Safety Code
19 section 25189 et seq., in an amount according to proof;

20 2. Civil penalties against SA Recycling LLC pursuant to the Vehicle Code
21 section 32002, in an amount according to proof;

22 3. Civil penalties against Defendants, and each of them, pursuant to Health and
23 Safety Code section 42400 et seq., in an amount according to proof;

24 4. Civil penalties against Defendants, and each of them, pursuant to Business and
25 Professions Code section 17206 for each act of unfair competition engaged in by Defendants,
26 and each of them, in an amount according to proof;

27 5. Plaintiff's costs of inspection, investigation, attorneys' fees, enforcement,
28 prosecution, and suit herein, including but not limited to such costs as are authorized for


1 reimbursement pursuant to Code of Civil Procedure section 1021.8;

2 6. A permanent injunction requiring SA Recycling to enjoined from operating the
3 hammer mill mega-shredder at the Terminal Island facility without a fully functioning Air
4 Pollution Control System in compliance with the conditions of the South Coast Air Quality
5 Management District permit; and

6 7. Such other and further relief as the Court deems just and proper.
7

8 Dated: 4-6-11

9 STEVE COOLEY, District Attorney
County of Los Angeles, State of California

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11 _____
12 DANIEL J. WRIGHT
13 Deputy District Attorney
Attorneys for Plaintiff, People of the State of California
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel Wright State Bar No. 129309 201 N. Figueroa, Suite 1200 Los Angeles, CA 90012 TELEPHONE NO.: (213) 580-3209 FAX NO.: (213) 202-5990 ATTORNEY FOR (Name): People Of the State of California		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> LOS ANGELES SUPERIOR COURT APR 06 2011 John A. Clarke, Executive Officer/Clerk By <u>RUGENA LOPEZ</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NAME: PEOPLE OF THE STATE OF CALIFORNIA vs. SA RECYCLING, LLC	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: <div style="font-size: 1.5em; font-weight: bold;">BC458943</div>		DEPT:	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- | | | |
|--|--|--|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input checked="" type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|--|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Four
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 4/06/2011

Daniel J. Wright

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: PEOPLE vs. SA RECYCLING, LLC

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO
COURTHOUSE LOCATION)**

FOR COURT USE ONLY
FILED
LOS ANGELES SUPERIOR COURT

APR 06 2011

John A. Warner, Executive Officer/Clerk
By *[Signature]* Deputy
RUGENA LOPEZ

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☐ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.

SHORT TITLE: PEOPLE vs. SA RECYCLING, LLC

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) <input type="checkbox"/> A6020F Unlawful Detainer-Foreclosure <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6. 2., 6. 2., 6. 2., 6.

SHORT TITLE:

PEOPLE vs. SA RECYCLING, LLC

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input checked="" type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

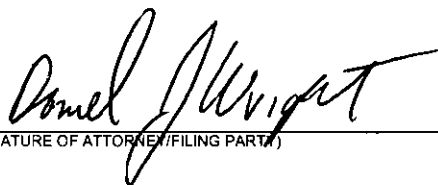
SHORT TITLE: PEOPLE vs. SA RECYCLING, LLC	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 901 New Dock Street	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90731	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the **Stanley Mosk** courthouse in the **Central** District of the Los Angeles Superior Court [Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)].

Dated: **4/06/2011**


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 (Rev. 01/07).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

TT/98/88